\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This mask is specifically for the review of an exigent cell phone ping and the retention of data if appropriate.

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is GREEN text below which provides language if you are seeking to retain the ping data for bona fide investigative purpose.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

-It would be a good idea to delete this section before printing/sending your warrant to get signed.

Notwithstanding the provisions of sections 18-9-302 to 18-9-311, any supervising representative of a law enforcement agency may order a previously designated security employee of a wireless telecommunications provider to provide to the law enforcement agency, without requiring the agency to obtain a court order, location information concerning the telecommunications device of a named person if the supervising representative has probable cause to believe that:

(I) An emergency situation exists that involves the risk of death or serious bodily injury to the named person or to another person who is in the named person's company; and

(II) The time required to obtain a search warrant or other court order authorizing the acquisition of the information would increase such risk.

C.R.S. § 18-9-312(1.5)(a)

(I) Not more than forty-eight hours after ordering a previously designated security employee of a wireless telecommunications provider to provide information as described in paragraph (a) of this subsection (1.5), a law enforcement agency shall request a court order stating whether:

(A) At the time that the supervising representative of a law enforcement agency ordered the previously designated security employee of a wireless telecommunications provider to provide the information, the supervising representative had probable cause to believe that the conditions described in paragraph (a) of this subsection (1.5) existed; and

(B) The law enforcement agency may retain the information for a bona fide investigative purpose.

(II) Unless a court orders that the law enforcement agency may retain the information for a bona fide investigative purpose, as described in sub-subparagraph (B) of subparagraph (I) of this paragraph (e), the law enforcement agency shall destroy the information and not retain any copy of the information for any purpose.

C.R.S. § 18-9-312(1.5)(e)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**AFFIDAVIT OF PROBABLE CAUSE FOR AFTER THE FACT COURT ORDER REGARDING GEOGRAPHICAL LOCATION INFORMATION PURSUANT OF C.R.S. 18-9-312**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

Affiant, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, pursuant to C.R.S. 18-9-312, states that I have probable cause for believing that an emergency situation existed that involved the risk of death or serious bodily injury to the named person or to another person who was in the named person’s company and that the time required to obtain a court order authorizing the acquisition of information would have increased the risk. Namely,

**TELEPHONE NUMBER**, **a TELEPHONE PROVIDER phone used by NAME OF TARGET**

Your Affiant is a TITLE with the LAW ENFORCEMENT AGENCY and is currently assigned to the ASSIGNED UNIT. Your Affiant has been trained at the state and local levels with regard to my duties and I am authorized by law to execute search and arrest warrants in the state of Colorado.

Because this Affidavit is being submitted for the limited purpose of securing an order reviewing the use of geographical location information, I have not included details of every aspect of this investigation to date. Facts not set forth herein are not being relied on in reaching my conclusion that an order should be issued.

I believe the below-described facts to be true based upon official law enforcement records, conversations with fellow officers, personal observations and interviews:

I am aware, based on my training, education and experience as a law enforcement officer that cellular telephones contain electronic circuitry, which enables the cellular telephone device to transmit its geographical location information to the telephone’s service provider and that information is then maintained by the telephone’s service provider. This electronic circuitry allows the telephone’s service provider to record the physical location of the target cellular telephone or any other cellular telephone that is in contact with the target telephone in real time. The physical location of the target cellular telephone may be recorded in several different methods, such as through the use of cell site tower and sector data, triangulation of cell site tower data, or the use of Global Positioning System (GPS) coordinates. This location-based data is sometimes referred to as LOCDBOR (Location Database of Record) – AT&T, RTT (Round Trip Time/Return Trip Time/Real Time Tool) - Verizon & U.S. Cellular, PCMD (Per Call Measurement Data) – Sprint & U.S. Cellular, and TDOA (Time Difference of Arrival) or Timing Advance Information – T-Mobile & Metro by T-Mobile).

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE SUPPORTING A FINDING THAT AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF DEATH OR SERIOUS BODILY INJURY AND REASON THE TIME REQUIRED TO OBTAIN A SEARCH WARRANT WOULD HAVE INCREASED THE RISK

Your affiant affirms that there is a bona fide investigative need to retain the emergency location information. ADD EXPLAINATION

Pursuant to C.R.S. §16-3-303.5 and 18-9-312, your affiant requests that the Court expressly find that, at the time that the supervising representative of the law enforcement agency, namely: PERSON ORDERING PING, ordered a previously designated security employee of a wireless telecommunications provider, namely: TELEPHONE PROVIDER, PERSON ORDERING PING (1) had probable cause to believe that an emergency situation existed that involved the risk of death or serious bodily injury to SUSPECT/VICTIM and (2) that the time required to obtain a court order authorizing the acquisition of information would have increased the risk.

Pursuant to C.R.S. 18-9-312, your affiant requests that the Court authorize the retention of geographical location information on the above-referenced cellular telephone from DATE OF INTEREST through DATE OF INTEREST for bona fide investigative purposes. Specifically, that the information provided was lawfully obtained and that LAW ENFORCEMENT AGENCY may retain the information.

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the County of Larimer and State of Colorado.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

This affidavit was sworn to and subscribed in my presence this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**AFTER THE FACT COURT ORDER TO REGARDING GEOGRAPHICAL LOCATION INFORMATION PURSUANT OF C.R.S. 18-9-312**

Before the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

The Court, upon review of an affidavit filed pursuant to the provisions of C.R.S. 18-9-312 by YOUR NAME HERE which is incorporated by reference, in support of the issuance of this order, hereby orders that:

[ ] At the time that the supervising representative of the law enforcement agency, namely: PERSON ORDERING PING, ordered a previously designated security employee of a wireless telecommunications provider, namely: TELEPHONE PROVIDER, and PERSON ORDERING PING (1) had probable cause to believe that an emergency situation existed that involved the risk of death or serious bodily injury to SUSPECT/VICTIM and (2) that the time required to obtain a court order authorizing the acquisition of information would have increased the risk. Therefore, the information provided was lawfully obtained pursuant to C.R.S. §16-3-303.5 and 18-9-312.

[ ] That LAW ENFORCEMENT AGENGY may retain geographical location information on TELEPHONE NUMBER, a TELEPHONE PROVIDER phone used by NAME OF TARGET from DATE OF INTEREST through DATE OF INTEREST for a bona fide investigative purpose pursuant to C.R.S. §18-9-312.

Based upon the affidavit of the above-named Affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe there is a legal basis and also legal authority for the issuance of this Order. You are therefore authorized to retain the requested data according to these terms and as otherwise permitted by law.

Dated this **\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_**, at \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE